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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,902	05/14/2001	Stefan Wieland	33766W030	6174

7590

07/01/2004

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EXAMINER

LANGEL, WAYNE A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 6-10-04 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-16 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-16 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/64150 in view of Klein et al. Fukunaga (U.S. Pat. 6,749,828) is an equivalent of WO 99/64150, and will be referred to as such in this Office Action. Fukunaga discloses a method for the autothermal reforming of hydrocarbons wherein a catalyst comprising ruthenium on alumina is employed. (See e.g., col. 4, line 66 to col. 7, line 17; the paragraph bridging columns 9 and 10; and col. 26, line 64 to col. 27, line 16.) The difference between the process disclosed by Fukunaga, and that recited in applicant's claims, is that Fukunaga does not disclose that the ruthenium be coated on the alumina carrier. Klein et al disclose a catalyst wherein the catalytically active metal is coated on the support. (See col.1, 4-33.) It would be prima facie obvious from Klein et al to employ a catalyst in the process of Fukunaga in which the ruthenium is coated on the alumina carrier, since Fukunaga teach at col. 9, lines 43-46 that the ruthenium-alumina catalyst can be produced by combining ruthenium with the alumina carrier through a "customary method", and Klein et al suggest at col. 1, lines 4-20 that catalysts produced by coating the catalytic material onto the support ensures high catalytic material of the catalyst with the smallest possible amount of active components.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. In claim 1, last line, the recitation of "or" is improper Markush terminology. The word "or" should be changed to - - and - - to avoid this rejection. Also in claim 1, "and the catalyst has" is ungrammatical and therefore indefinite. The phrase should be changed to - - , the catalyst having - - to avoid this rejection.

Any inquiry concerning this communication should be directed to Wayne Langel at telephone number 571-272-1353.

A handwritten signature in black ink that reads "Wayne A. Langel". The signature is written in a cursive style with a large, stylized "L" and "A".

Wayne Langel
Primary Examiner
Art Unit 1754